

SUBCOMMITTEE: SUBCOMMITTEE #2

HOUSE BILL NO. 2142

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Militia, Police and Public Safety

on _____)

(Patron Prior to Substitute--Delegate Thomas)

A BILL to amend and reenact §§ 9.1-101 and 9.1-102 of the Code of Virginia, relating to school protection officers; minimum training standards; exemption.

Be it enacted by the General Assembly of Virginia:**1. That §§ 9.1-101 and 9.1-102 of the Code of Virginia are amended and reenacted as follows:****§ 9.1-101. Definitions.**

As used in this chapter or in Chapter 23 (§ 19.2-387 et seq.) of Title 19.2, unless the context requires a different meaning:

"Administration of criminal justice" means performance of any activity directly involving the detection, apprehension, detention, pretrial release, post-trial release, prosecution, adjudication, correctional supervision, or rehabilitation of accused persons or criminal offenders or the collection, storage, and dissemination of criminal history record information.

"Board" means the Criminal Justice Services Board.

"Conviction data" means information in the custody of any criminal justice agency relating to a judgment of conviction, and the consequences arising therefrom, in any court.

"Correctional status information" means records and data concerning each condition of a convicted person's custodial status, including probation, confinement, work release, study release, escape, or termination of custody through expiration of sentence, parole, pardon, or court decision.

"Criminal history record information" means records and data collected by criminal justice agencies on adult individuals consisting of identifiable descriptions and notations of arrests, detentions, indictments, informations, or other formal charges, and any disposition arising therefrom. The term shall not include juvenile record information which is controlled by Chapter 11 (§ 16.1-226 et seq.) of Title

27 16.1, criminal justice intelligence information, criminal justice investigative information, or correctional
28 status information.

29 "Criminal justice agency" means (i) a court or any other governmental agency or subunit thereof
30 which as its principal function performs the administration of criminal justice and any other agency or
31 subunit thereof which performs criminal justice activities, but only to the extent that it does so; (ii) for the
32 purposes of Chapter 23 (§ 19.2-387 et seq.) of Title 19.2, any private corporation or agency which, within
33 the context of its criminal justice activities, employs special conservators of the peace appointed under
34 Chapter 2 (§ 19.2-12 et seq.) of Title 19.2, provided that (a) such private corporation or agency requires
35 its officers or special conservators to meet compulsory training standards established by the Criminal
36 Justice Services Board and submits reports of compliance with the training standards and (b) the private
37 corporation or agency complies with the provisions of Article 3 (§ 9.1-126 et seq.), but only to the extent
38 that the private corporation or agency so designated as a criminal justice agency performs criminal justice
39 activities; and (iii) the Office of the Attorney General, for all criminal justice activities otherwise permitted
40 under clause (i) and for the purpose of performing duties required by the Civil Commitment of Sexually
41 Violent Predators Act (§ 37.2-900 et seq.).

42 "Criminal justice agency" includes any program certified by the Commission on VASAP pursuant
43 to § 18.2-271.2.

44 "Criminal justice agency" includes the Department of Criminal Justice Services.

45 "Criminal justice agency" includes the Virginia State Crime Commission.

46 "Criminal justice information system" means a system including the equipment, facilities,
47 procedures, agreements, and organizations thereof, for the collection, processing, preservation, or
48 dissemination of criminal history record information. The operations of the system may be performed
49 manually or by using electronic computers or other automated data processing equipment.

50 "Department" means the Department of Criminal Justice Services.

51 "Dissemination" means any transfer of information, whether orally, in writing, or by electronic
52 means. The term shall not include access to the information by officers or employees of a criminal justice
53 agency maintaining the information who have both a need and right to know the information.

"Law-enforcement officer" means any full-time or part-time employee of a police department or sheriff's office which is a part of or administered by the Commonwealth or any political subdivision thereof, or any full-time or part-time employee of a private police department, and who is responsible for the prevention and detection of crime and the enforcement of the penal, traffic or highway laws of the Commonwealth, and shall include any (i) special agent of the Virginia Alcoholic Beverage Control Authority; (ii) police agent appointed under the provisions of § 56-353; (iii) officer of the Virginia Marine Police; (iv) conservation police officer who is a full-time sworn member of the enforcement division of the Department of Game and Inland Fisheries; (v) investigator who is a full-time sworn member of the security division of the Virginia Lottery; (vi) conservation officer of the Department of Conservation and Recreation commissioned pursuant to § 10.1-115; (vii) full-time sworn member of the enforcement division of the Department of Motor Vehicles appointed pursuant to § 46.2-217; (viii) animal protection police officer employed under § 15.2-632 or 15.2-836.1; (ix) campus police officer appointed under Article 3 (§ 23.1-809 et seq.) of Chapter 8 of Title 23.1; (x) member of the investigations unit designated by the State Inspector General pursuant to § 2.2-311 to investigate allegations of criminal behavior affecting the operations of a state or nonstate agency; (xi) employee with internal investigations authority designated by the Department of Corrections pursuant to subdivision 11 of § 53.1-10 or by the Department of Juvenile Justice pursuant to subdivision A 7 of § 66-3; or (xii) private police officer employed by a private police department. Part-time employees are those compensated officers who are not full-time employees as defined by the employing police department, sheriff's office, or private police department.

"Private police department" means any police department, other than a department that employs police agents under the provisions of § 56-353, that employs private police officers operated by an entity authorized by statute or an act of assembly to establish a private police department or such entity's successor in interest, provided it complies with the requirements set forth herein. No entity is authorized to operate a private police department or represent that it is a private police department unless such entity has been authorized by statute or an act of assembly or such entity is the successor in interest of an entity that has been authorized pursuant to this section, provided it complies with the requirements set forth herein. The authority of a private police department shall be limited to real property owned, leased, or

controlled by the entity and, if approved by the local chief of police or sheriff, any contiguous property; such authority shall not supersede the authority, duties, or jurisdiction vested by law with the local police department or sheriff's office including as provided in §§ 15.2-1609 and 15.2-1704. The chief of police or sheriff who is the chief local law-enforcement officer shall enter into a memorandum of understanding with the private police department that addresses the duties and responsibilities of the private police department and the chief law-enforcement officer in the conduct of criminal investigations. Private police departments and private police officers shall be subject to and comply with the Constitution of the United States; the Constitution of Virginia; the laws governing municipal police departments, including the provisions of §§ 9.1-600, 15.2-1705 through 15.2-1708, 15.2-1719, 15.2-1721, and 15.2-1722; and any regulations adopted by the Board that the Department designates as applicable to private police departments. Any person employed as a private police officer pursuant to this section shall meet all requirements, including the minimum compulsory training requirements, for law-enforcement officers pursuant to this chapter. A private police officer is not entitled to benefits under the Line of Duty Act (§ 9.1-400 et seq.) or under the Virginia Retirement System, is not a "qualified law enforcement officer" or "qualified retired law enforcement officer" within the meaning of the federal Law Enforcement Officers Safety Act, 18 U.S.C. § 926B et seq., and shall not be deemed an employee of the Commonwealth or any locality. An authorized private police department may use the word "police" to describe its sworn officers and may join a regional criminal justice academy created pursuant to Article 5 (§ 15.2-1747 et seq.) of Chapter 17 of Title 15.2. Any private police department in existence on January 1, 2013, that was not otherwise established by statute or an act of assembly and whose status as a private police department was recognized by the Department at that time is hereby validated and may continue to operate as a private police department as may such entity's successor in interest, provided it complies with the requirements set forth herein.

"School protection officer" means a retired law-enforcement officer hired on a part-time basis by the local law-enforcement agency to provide limited law-enforcement and security services to Virginia public elementary and secondary schools.

107 "School resource officer" means a certified law-enforcement officer hired by the local law-
108 enforcement agency to provide law-enforcement and security services to Virginia public elementary and
109 secondary schools.

110 "School security officer" means an individual who is employed by the local school board for the
111 singular purpose of maintaining order and discipline, preventing crime, investigating violations of school
112 board policies, and detaining students violating the law or school board policies on school property or at
113 school-sponsored events and who is responsible solely for ensuring the safety, security, and welfare of all
114 students, faculty, staff, and visitors in the assigned school.

115 **§ 9.1-102. Powers and duties of the Board and the Department.**

116 The Department, under the direction of the Board, which shall be the policy-making body for
117 carrying out the duties and powers hereunder, shall have the power and duty to:

118 1. Adopt regulations, pursuant to the Administrative Process Act (§ 2.2-4000 et seq.), for the
119 administration of this chapter including the authority to require the submission of reports and information
120 by law-enforcement officers within the Commonwealth. Any proposed regulations concerning the
121 privacy, confidentiality, and security of criminal justice information shall be submitted for review and
122 comment to any board, commission, or committee or other body which may be established by the General
123 Assembly to regulate the privacy, confidentiality, and security of information collected and maintained
124 by the Commonwealth or any political subdivision thereof;

125 2. Establish compulsory minimum training standards subsequent to employment as a law-
126 enforcement officer in (i) permanent positions, and (ii) temporary or probationary status, and establish the
127 time required for completion of such training;

128 3. Establish minimum training standards and qualifications for certification and recertification for
129 law-enforcement officers serving as field training officers;

130 4. Establish compulsory minimum curriculum requirements for in-service and advanced courses
131 and programs for schools, whether located in or outside the Commonwealth, which are operated for the
132 specific purpose of training law-enforcement officers;

133 5. Establish (i) compulsory minimum training standards for law-enforcement officers who utilize
134 radar or an electrical or microcomputer device to measure the speed of motor vehicles as provided in §
135 46.2-882 and establish the time required for completion of the training and (ii) compulsory minimum
136 qualifications for certification and recertification of instructors who provide such training;

137 6. [Repealed];

138 7. Establish compulsory minimum entry-level, in-service and advanced training standards for those
139 persons designated to provide courthouse and courtroom security pursuant to the provisions of § 53.1-
140 120, and to establish the time required for completion of such training;

141 8. Establish compulsory minimum entry-level, in-service and advanced training standards for
142 deputy sheriffs designated to serve process pursuant to the provisions of § 8.01-293, and establish the time
143 required for the completion of such training;

144 9. Establish compulsory minimum entry-level, in-service, and advanced training standards, as well
145 as the time required for completion of such training, for persons employed as deputy sheriffs and jail
146 officers by local criminal justice agencies, correctional officers employed by the Department of
147 Corrections under the provisions of Title 53.1, and juvenile correctional officers employed at a juvenile
148 correctional facility as the term is defined in § 66-25.3;

149 10. Establish compulsory minimum training standards for all dispatchers employed by or in any
150 local or state government agency, whose duties include the dispatching of law-enforcement personnel.
151 Such training standards shall apply only to dispatchers hired on or after July 1, 1988;

152 11. Establish compulsory minimum training standards for all auxiliary police officers employed
153 by or in any local or state government agency. Such training shall be graduated and based on the type of
154 duties to be performed by the auxiliary police officers. Such training standards shall not apply to auxiliary
155 police officers exempt pursuant to § 15.2-1731;

156 12. Consult and cooperate with counties, municipalities, agencies of the Commonwealth, other
157 state and federal governmental agencies, and institutions of higher education within or outside the
158 Commonwealth, concerning the development of police training schools and programs or courses of
159 instruction;

160 13. Approve institutions, curricula and facilities, whether located in or outside the Commonwealth,
161 for school operation for the specific purpose of training law-enforcement officers; but this shall not prevent
162 the holding of any such school whether approved or not;

163 14. Establish and maintain police training programs through such agencies and institutions as the
164 Board deems appropriate;

165 15. Establish compulsory minimum qualifications of certification and recertification for instructors
166 in criminal justice training schools approved by the Department;

167 16. Conduct and stimulate research by public and private agencies which shall be designed to
168 improve police administration and law enforcement;

169 17. Make recommendations concerning any matter within its purview pursuant to this chapter;

170 18. Coordinate its activities with those of any interstate system for the exchange of criminal history
171 record information, nominate one or more of its members to serve upon the council or committee of any
172 such system, and participate when and as deemed appropriate in any such system's activities and programs;

173 19. Conduct inquiries and investigations it deems appropriate to carry out its functions under this
174 chapter and, in conducting such inquiries and investigations, may require any criminal justice agency to
175 submit information, reports, and statistical data with respect to its policy and operation of information
176 systems or with respect to its collection, storage, dissemination, and usage of criminal history record
177 information and correctional status information, and such criminal justice agencies shall submit such
178 information, reports, and data as are reasonably required;

179 20. Conduct audits as required by § 9.1-131;

180 21. Conduct a continuing study and review of questions of individual privacy and confidentiality
181 of criminal history record information and correctional status information;

182 22. Advise criminal justice agencies and initiate educational programs for such agencies with
183 respect to matters of privacy, confidentiality, and security as they pertain to criminal history record
184 information and correctional status information;

185 23. Maintain a liaison with any board, commission, committee, or other body which may be
186 established by law, executive order, or resolution to regulate the privacy and security of information
187 collected by the Commonwealth or any political subdivision thereof;

188 24. Adopt regulations establishing guidelines and standards for the collection, storage, and
189 dissemination of criminal history record information and correctional status information, and the privacy,
190 confidentiality, and security thereof necessary to implement state and federal statutes, regulations, and
191 court orders;

192 25. Operate a statewide criminal justice research center, which shall maintain an integrated
193 criminal justice information system, produce reports, provide technical assistance to state and local
194 criminal justice data system users, and provide analysis and interpretation of criminal justice statistical
195 information;

196 26. Develop a comprehensive, statewide, long-range plan for strengthening and improving law
197 enforcement and the administration of criminal justice throughout the Commonwealth, and periodically
198 update that plan;

199 27. Cooperate with, and advise and assist, all agencies, departments, boards and institutions of the
200 Commonwealth, and units of general local government, or combinations thereof, including planning
201 district commissions, in planning, developing, and administering programs, projects, comprehensive
202 plans, and other activities for improving law enforcement and the administration of criminal justice
203 throughout the Commonwealth, including allocating and subgranting funds for these purposes;

204 28. Define, develop, organize, encourage, conduct, coordinate, and administer programs, projects
205 and activities for the Commonwealth and units of general local government, or combinations thereof, in
206 the Commonwealth, designed to strengthen and improve law enforcement and the administration of
207 criminal justice at every level throughout the Commonwealth;

208 29. Review and evaluate programs, projects, and activities, and recommend, where necessary,
209 revisions or alterations to such programs, projects, and activities for the purpose of improving law
210 enforcement and the administration of criminal justice;

211 30. Coordinate the activities and projects of the state departments, agencies, and boards of the
212 Commonwealth and of the units of general local government, or combination thereof, including planning
213 district commissions, relating to the preparation, adoption, administration, and implementation of
214 comprehensive plans to strengthen and improve law enforcement and the administration of criminal
215 justice;

216 31. Do all things necessary on behalf of the Commonwealth and its units of general local
217 government, to determine and secure benefits available under the Omnibus Crime Control and Safe Streets
218 Act of 1968 (P.L. 90-351, 82 Stat. 197), as amended, and under any other federal acts and programs for
219 strengthening and improving law enforcement, the administration of criminal justice, and delinquency
220 prevention and control;

221 32. Receive, administer, and expend all funds and other assistance available to the Board and the
222 Department for carrying out the purposes of this chapter and the Omnibus Crime Control and Safe Streets
223 Act of 1968, as amended;

224 33. Apply for and accept grants from the United States government or any other source in carrying
225 out the purposes of this chapter and accept any and all donations both real and personal, and grants of
226 money from any governmental unit or public agency, or from any institution, person, firm or corporation,
227 and may receive, utilize and dispose of the same. Any arrangements pursuant to this section shall be
228 detailed in the annual report of the Board. Such report shall include the identity of the donor, the nature
229 of the transaction, and the conditions, if any. Any moneys received pursuant to this section shall be
230 deposited in the state treasury to the account of the Department. To these ends, the Board shall have the
231 power to comply with conditions and execute such agreements as may be necessary;

232 34. Make and enter into all contracts and agreements necessary or incidental to the performance
233 of its duties and execution of its powers under this chapter, including but not limited to, contracts with the
234 United States, units of general local government or combinations thereof, in Virginia or other states, and
235 with agencies and departments of the Commonwealth;

236 35. Adopt and administer reasonable regulations for the planning and implementation of programs
237 and activities and for the allocation, expenditure and subgranting of funds available to the Commonwealth

238 and to units of general local government, and for carrying out the purposes of this chapter and the powers
239 and duties set forth herein;

240 36. Certify and decertify law-enforcement officers in accordance with §§ 15.2-1706 and 15.2-
241 1707;

242 37. Establish training standards and publish and periodically update model policies for law-
243 enforcement personnel in the following subjects:

244 a. The handling of family abuse, domestic violence, sexual assault, and stalking cases, including
245 standards for determining the predominant physical aggressor in accordance with § 19.2-81.3. The
246 Department shall provide technical support and assistance to law-enforcement agencies in carrying out
247 the requirements set forth in subsection A of § 9.1-1301;

248 b. Communication with and facilitation of the safe return of individuals diagnosed with
249 Alzheimer's disease;

250 c. Sensitivity to and awareness of cultural diversity and the potential for biased policing;

251 d. Protocols for local and regional sexual assault response teams;

252 e. Communication of death notifications;

253 f. The questioning of individuals suspected of driving while intoxicated concerning the physical
254 location of such individual's last consumption of an alcoholic beverage and the communication of such
255 information to the Virginia Alcoholic Beverage Control Authority;

256 g. Vehicle patrol duties that embody current best practices for pursuits and for responding to
257 emergency calls;

258 h. Criminal investigations that embody current best practices for conducting photographic and live
259 lineups;

260 i. Sensitivity to and awareness of human trafficking offenses and the identification of victims of
261 human trafficking offenses for personnel involved in criminal investigations or assigned to vehicle or
262 street patrol duties; and

263 j. Missing children, missing adults, and search and rescue protocol;

264 38. Establish compulsory training standards for basic training and the recertification of law-
265 enforcement officers to ensure sensitivity to and awareness of cultural diversity and the potential for biased
266 policing;

267 39. Review and evaluate community-policing programs in the Commonwealth, and recommend
268 where necessary statewide operating procedures, guidelines, and standards which strengthen and improve
269 such programs, including sensitivity to and awareness of cultural diversity and the potential for biased
270 policing;

271 40. Establish a Virginia Law-Enforcement Accreditation Center. The Center may, in cooperation
272 with Virginia law-enforcement agencies, provide technical assistance and administrative support,
273 including staffing, for the establishment of voluntary state law-enforcement accreditation standards. The
274 Center may provide accreditation assistance and training, resource material, and research into methods
275 and procedures that will assist the Virginia law-enforcement community efforts to obtain Virginia
276 accreditation status;

277 41. Promote community policing philosophy and practice throughout the Commonwealth by
278 providing community policing training and technical assistance statewide to all law-enforcement agencies,
279 community groups, public and private organizations and citizens; developing and distributing innovative
280 policing curricula and training tools on general community policing philosophy and practice and
281 contemporary critical issues facing Virginia communities; serving as a consultant to Virginia
282 organizations with specific community policing needs; facilitating continued development and
283 implementation of community policing programs statewide through discussion forums for community
284 policing leaders, development of law-enforcement instructors; promoting a statewide community policing
285 initiative; and serving as a statewide information source on the subject of community policing including,
286 but not limited to periodic newsletters, a website and an accessible lending library;

287 42. Establish, in consultation with the Department of Education and the Virginia State Crime
288 Commission, compulsory minimum standards for employment and job-entry and in-service training
289 curricula and certification requirements for school security officers, which training and certification shall
290 be administered by the Virginia Center for School and Campus Safety (VCSCS) pursuant to § 9.1-184.

291 Such training standards shall include, but shall not be limited to, the role and responsibility of school
292 security officers, relevant state and federal laws, school and personal liability issues, security awareness
293 in the school environment, mediation and conflict resolution, disaster and emergency response, and
294 student behavioral dynamics. The Department shall establish an advisory committee consisting of local
295 school board representatives, principals, superintendents, and school security personnel to assist in the
296 development of the standards and certification requirements in this subdivision. The Department shall
297 require any school security officer who carries a firearm in the performance of his duties to provide proof
298 that he has completed a training course provided by a federal, state, or local law-enforcement agency that
299 includes training in active shooter emergency response, emergency evacuation procedure, and threat
300 assessment;

301 43. License and regulate property bail bondsmen and surety bail bondsmen in accordance with
302 Article 11 (§ 9.1-185 et seq.);

303 44. License and regulate bail enforcement agents in accordance with Article 12 (§ 9.1-186 et seq.);

304 45. In conjunction with the Virginia State Police and the State Compensation Board, advise
305 criminal justice agencies regarding the investigation, registration, and dissemination of information
306 requirements as they pertain to the Sex Offender and Crimes Against Minors Registry Act (§ 9.1-900 et
307 seq.);

308 46. Establish minimum standards for (i) employment, (ii) job-entry and in-service training
309 curricula, and (iii) certification requirements for campus security officers. Such training standards shall
310 include, but not be limited to, the role and responsibility of campus security officers, relevant state and
311 federal laws, school and personal liability issues, security awareness in the campus environment, and
312 disaster and emergency response. The Department shall provide technical support and assistance to
313 campus police departments and campus security departments on the establishment and implementation of
314 policies and procedures, including but not limited to: the management of such departments, investigatory
315 procedures, judicial referrals, the establishment and management of databases for campus safety and
316 security information sharing, and development of uniform record keeping for disciplinary records and
317 statistics, such as campus crime logs, judicial referrals and Clery Act statistics. The Department shall

318 establish an advisory committee consisting of college administrators, college police chiefs, college
319 security department chiefs, and local law-enforcement officials to assist in the development of the
320 standards and certification requirements and training pursuant to this subdivision;

321 47. Assess and report, in accordance with § 9.1-190, the crisis intervention team programs
322 established pursuant to § 9.1-187;

323 48. In conjunction with the Office of the Attorney General, advise law-enforcement agencies and
324 attorneys for the Commonwealth regarding the identification, investigation, and prosecution of human
325 trafficking offenses using the common law and existing criminal statutes in the Code of Virginia;

326 49. Register tow truck drivers in accordance with § 46.2-116 and carry out the provisions of §
327 46.2-117;

328 50. Administer the activities of the Virginia Sexual and Domestic Violence Program Professional
329 Standards Committee by providing technical assistance and administrative support, including staffing, for
330 the Committee;

331 51. In accordance with § 9.1-102.1, design and approve the issuance of photo-identification cards
332 to private security services registrants registered pursuant to Article 4 (§ 9.1-138 et seq.);

333 52. In consultation with the State Council of Higher Education for Virginia and the Virginia
334 Association of Campus Law Enforcement Administrators, develop multidisciplinary curricula on trauma-
335 informed sexual assault investigation;

336 53. In consultation with the Department of Behavioral Health and Developmental Services,
337 develop a model addiction recovery program that may be administered by sheriffs, deputy sheriffs, jail
338 officers, administrators, or superintendents in any local or regional jail. Such program shall be based on
339 any existing addiction recovery programs that are being administered by any local or regional jails in the
340 Commonwealth. Participation in the model addiction recovery program shall be voluntary, and such
341 program may address aspects of the recovery process, including medical and clinical recovery, peer-to-
342 peer support, availability of mental health resources, family dynamics, and aftercare aspects of the
343 recovery process;~~and~~

344 54. Establish compulsory minimum training standards for all persons employed as school
345 protection officers. Such training may be provided by the employing law-enforcement agency and shall
346 be graduated and based on the type of duties to be performed; and

347 55. Perform such other acts as may be necessary or convenient for the effective performance of its
348 duties.

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